

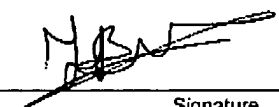
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)												
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<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>														
<p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><input checked="" type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> </div> <div style="width: 35%; text-align: center;">  _____ Signature Viktor Kaptelinin _____ Typed or printed name +46-90-19 67 88 _____ Telephone number January 20, 2010 _____ Date </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>														
<p><input checked="" type="checkbox"/> *Total of <u>3</u> forms are submitted.</p>														

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: V. Kaptelinin
 Serial No: 10/067,673
 Filed: February 7, 2002
 Title: Non-distracting temporary visual clues for scrolling
 Group Art Unit: 2179
 Examiner: Ba Huynh

Umeå, Sweden, 2010, January 20

PRE-APPEAL BRIEF

The present pre-appeal brief is being filed in response to final Office Action of October 21, 2009, and concurrently with a Notice of Appeal. Applicant's claims have been rejected as being unpatentable over US patent 6,803,930 ("Simonson"). Applicant respectfully submits that examiner's reasoning is unconvincing. The arguments below relate to Independent claim 3 but they provide a ground for the patentability of other claims, as well.

Summary of Applicant Invention's subject matter

Applicant Invention relates to **distinguishing visual clues** (hereafter **DVC**), i.e., clues, which are displayed in a computer window after scrolling from a first portion to a second portion of a document. DVC visually distinguish "old information" (that is, information that overlaps from a pre-scroll portion) from "new information" (see Fig. 1).



Applicant's independent claim 3 currently reads as follows:

3. A method of displaying information in a window on a computer system including a display, said window displaying only part of its related information, the method comprising:

providing a window for displaying information; further comprising the step of providing means for scrolling the window; and

displaying in the window a first portion of its related information; and scrolling the window to a second portion of its related information, further comprising the step of

causing visual clues, visually distinguishing new information from old

comprising the step of scrolling the window to a second portion of its related information; and displaying in the window a first portion of its related information; and

*displaying in the window a first portion of its related information; and
scrolling the window to a second portion of its related information, further
comprising the step of*

*causing visual clues, visually distinguishing new information from old
information that overlaps from said first portion and has been displayed
in the previous view for more than a first predetermined amount of
time, to be displayed in the window after scrolling from said first portion
to said second portion; and*

*disabling the distinguishing visual clues after a second predetermined
amount of time.*

In other words, the Claim teaches: (a) displaying a first portion of information in a window, (b) scrolling to a second portion and registering the time (T) during which the first portion has been displayed (inherently included), and (d) displaying DVC **only** if T exceeds a predetermined amount of time (i.e., information is considered "old" if it overlaps from a previous portion AND had been presented for more than a certain amount of time).

The aim of the invention is to display DVC only when the user needs them. When the user quickly scrolls through a document and do *not* read the portion displayed *before* scrolling, there is no need to display DVC *after* scrolling.

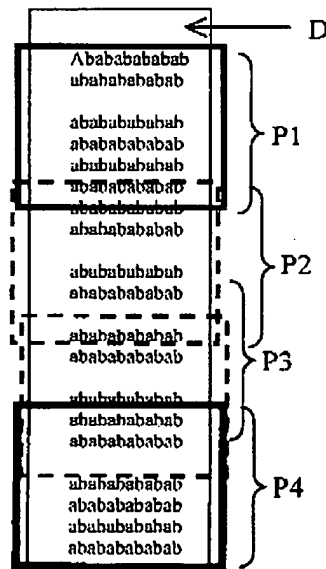


FIG. 2

Consider an example (see Fig. 2), in which the predetermined amount of time is 1 second. Portion P1 of document D is displayed for 10 sec, then the user *quickly* scrolls through P2 and P3 (both P2 and P3 are presented for 0.3 sec) to P4, which is displayed for 10 sec. In this case the user is likely to read P1 and then P4, but *not* P2 and P3. P1 and P4 do not overlap, so **no DVC are needed when displaying P4**. Such non-displaying of DVC is achieved by applicant's invention: P3 is presented for less than 1 sec, so **no DVC are displayed after scrolling to P4**.

The present invention vs. "Simonson's improvement"

US patent 6,803,930 ("Simonson") teaches DVC as illustrated, e.g., by Fig. 1 above. Also, Simonson is concerned that: "...persistent background tinting of the previously displayed content may be distracting when the user is **scrolling quickly** through the content. (Simonson, 11: 23-26, highlight added). To deal with this problem, Simonson suggests an *improvement*: "the application **can include a delay before adding the visual indicator** – the display state must remain unchanged for a certain length of time before any content differentiating indications would be displayed " (highlight added).

According to examiner, applicant's invention is an obvious modification of Simonson's improvement. Applicant respectfully disagrees. His invention is different from Simonson in substantial ways:

(a) Simonson's improvement is a **teaching of time delay**, while Applicant **does not teach any time delays**. According to Applicant, DVC are NOT displayed after a predetermined amount of time: DVC are displayed, after scrolling, either at once or not presented at all.

(b) There is nothing in Simonson that suggests that the time of displaying information **before scrolling** can have an effect of displaying DVC **after scrolling**.

(c) Applicant and Simonson address different problems. Applicant's invention prevents displaying unnecessary DVC in case of quick scrolling to a disjoint area. Simonson prevents distraction caused by flashing DVC.

4. Overcoming rejection arguments

In recent Office Actions Examiner's gives two main arguments for Applicant's invention being an obvious modification of Simonson's improvement:

1. **Simonson suggests displaying a pre-scroll portion for a predetermined amount of time.** "... Simonson does teach that the first portion is a portion being viewed by the user, i.e., the first portion is displayed for a length of time. Although Simonson does not explicitly said which length of time is a "predetermined amount of time", it should be apparent that which length of time is longer than the time it took to flip a page. It would have been obvious ... to implement the predetermined

amount of time at the previous viewed portion of the document instead of at the destination portion as in Simonson." (OA of Oct 21, 2009, 3:11-17). However, there is nothing in Simonson's teaching that suggests that the user *can only scroll to a second portion if a first portion has been presented for more than a predetermined amount of time, or at least a length of time longer than flipping*. On the contrary, Simonson clearly teaches that a scrolling action is carried out **whenever** the application receives a scrolling request from the user (e.g., 7:40-45, Fig. 9). In addition, Simonson's improvement, as mentioned above, explicitly refers to displaying DVC when the user is **quickly scrolling** (e.g., "flipping") through the content. Therefore, a notion that a first portion *needs to be presented before scrolling for a length of time which is longer than flipping time* is in contradiction with Simonson.

Furthermore, there is **nothing whatsoever** in Simonson, which would suggest that (a) the time of displaying the first portion is **predetermined** and (b) the time can in any way affect displaying DVC **after scrolling**.

Applicant presented a similar argument before (e.g., Amendment J of May 22, 2008, p. 8, section 2.2.1), and the argument was accepted by examiner: "In response to the argument that Simonson's term "previously viewed portion" **does not imply displaying the portion for more than a predetermined amount of time**, the applicant's rationale is acknowledged. (OA of November 17, 2008, 6: 8-10, highlight added). However, after that the discarded argument was repeated by examiner either directly (OA of April 22, 2009, 5:13-16) or indirectly (OA of October 21, 2009, 3:11-17).

2. Applicant's Implementation is an obvious modification of

Simonson's teaching of delay. E.g.,: "it would have been obvious to one of skill in the art, at the time the invention was made, to implement the **time delay** at the previously viewed portion of the document instead of at the destination portion as in Simonson." (OA of April 22, 2009, 3: 19-21, highlight added).

However, as argued in section 5 above, applicant's invention **does not teach any time delays**, and therefore cannot be an implementation of the time delay.

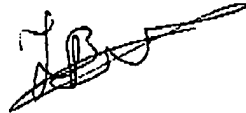
A similar argument was provided by Applicant before (e.g., Amendment L of February 17, 2009, p. 11, section 5.2) and it was acknowledged by examiner: "In response to the argument that the applicant's invention does not teach any time delays, the argument is acknowledged by the examiner and **the term "time delay" will not be further used** in the rejection. (OA of April 22, 2009, 7:11-14, emphasis added). However, despite that the "time delay" argument was repeated by examiner in the same OA either directly (OA of April 22, 2009, 3:19-21) or indirectly (OA of April 22, 2009, 10:2-8).

Therefore, examiner has not produced any arguments for rejection, which have not been, directly or indirectly, withdrawn by the examiner himself.

7. A need for appeal

In response to OA of April 22, 2009, applicant submitted "Response M", filed on July 24, 2009. Applicant pointed to respected examiner that the OA of April 22, 2009 was self-contradictory: key rejection arguments used in the OA were previously discussed and clearly abandoned by the examiner himself. Applicant asked for new, more convincing arguments. However, applicant's request was essentially rejected and OA of October 21, 2009 only provides slightly re-phrased old arguments. In particular, the OA states: "The applicant reiterates most of the arguments previously presented. In response to the arguments, the examiner reproduces the previous responses below" (OA of October 21, 2009, 7: 3-4). For all these reasons, applicant sees no choice but file an appeal.

Very respectfully,



Viktor Kaptelinin, Applicant Pro Se

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Date: January 20, 2010

Inventor's signature: 